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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/599,606	10/03/2006	Gook Young Lee	56587.42	1556	
27128 HUSCH BLAC	7590 05/21/201 CKWELL LLP	2	EXAMINER		
190 Carondelet Plaza			UBER, NATHAN C		
Suite 600 ST. LOUIS, MO 63105			ART UNIT	PAPER NUMBER	
			3622		
			NOTIFICATION DATE	DELIVERY MODE	
			05/21/2012	ELECTRONIC	

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pto-sl@huschblackwell.com

Examiner-Initiated Interview Summary	10/599,606	LEE ET AL.	
Examiner-initiated interview Summary	Examiner	Art Unit	
	NATHAN C. UBER	3622	
All participants (applicant, applicant's representative, PTO	personnel):		
(1) <u>NATHAN C. UBER</u> .	(3) <i>Dan Cohn</i> .		
(2) <u>Samuel Digirolamo</u> .	(4)		
Date of Interview: 16 May 2012.			
Type: 🛛 Telephonic 🔲 Video Conference 🔲 Personal [copy given to: 🔲 applicant [	applicant's representative]		
Exhibit shown or demonstration conducted: Yes If Yes, brief description:	□ No.		
Issues Discussed 101 112 102 103 Othe (For each of the checked box(es) above, please describe below the issue and detail			
Claim(s) discussed: <u>11</u> .			
Identification of prior art discussed:			
Substance of Interview (For each issue discussed, provide a detailed description and indicate if agreement reference or a portion thereof, claim interpretation, proposed amendments, arguments.)		dentification or clarific	cation of a
See Continuation Sheet.			
Applicant recordation instructions: It is not necessary for applicant to p	rovide a separate record of the substa	ance of interview.	
<b>Examiner recordation instructions</b> : Examiners must summarize the substance of an interview should include the items listed in MPEP 713 general thrust of each argument or issue discussed, a general indication of general results or outcome of the interview, to include an indication as to we	04 for complete and proper recordation fany other pertinent matters discussed	on including the iden d regarding patental	tification of the pility and the
☐ Attachment			
/NATHAN C UBER/ Primary Examiner, Art Unit 3622			

Application No.

Applicant(s)

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner contacted Applicant to discuss the status of this application, particularly claim 11, as a result of the recent BPAI decision in which the Examiner's rejection was affirmed in part. The portion of claim 11 that the board deemed improperly rejeted by Examiner is not allowable for a few reasons. The limitation includes a conditional phrase permitting a broadest reasonable interpretation of the limitationin in which the limitation has no patentable impact on the scope of the claim. Further there is an anticedent basis problem in the limitation. Additionally the BPAI seemed to interpret this limitation to mean that a commision rate is "modified in a particular way," however the BPAI's interpretation does not appear to be supported by the original disclosure, Applicant's interpertation or Examiner's interpertation. Examiner explained that Applicant has until June 13 to act on this application. Their options include further appeal, filing and RCE with claim amendments or doing nothing and simply waiting for Examiner to respond. However Examiner also explained that after June 13th. Examiner must act on the case either by indicating allowable subject matter or re-opening prosecution. Examiner informed applicant that Examienr cannot allow claim 11 (fort he reasons indicated above), thus after June 13th Examiner will likely reopen the application. Examiner also indicated that Examiner is willing to entertain proposed amendments to claim 11 to overcome the scope and 112 issues - and if Examiner is confident that the resulting claim limitation does not need further search or consideration - Applicant and Examiern may be able to avoid reopening prosecutuion. However Examiner also indicated that if the amended limitation needs examination an RCE would be necessary. No agreements were reached, except that Applicant and Examiner agreed to reconevne again between now and June 13th to discuss options and try to move the application forward in the most expedient manner. Examiner requested this interview, and Examiner appreciates Applicant's time and attention.